

**Draft Summary of the Plenary Group Meeting
Oroville Facilities Relicensing (FERC Project No. 2100)
August 30, 2001**

The Department of Water Resources (DWR) hosted the Plenary Group meeting on August 30, 2001 in Oroville.

A summary of the discussion, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting. The following attachments are provided:

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Flip Chart Notes
Attachment 4	Oroville Area Recreation -- Points of Contact
Attachment 5	Interim Recreation Projects – DWR Decision Making
Attachment 6	Draft Principles for a Proposed Interim Settlement Agreement
Attachment 7	Revised Draft Scoping Document 1
Attachment 8	Presentation – Revisions to Draft Scoping Document 1

Introduction

Attendees were welcomed to the Plenary Group meeting and objectives were discussed. The meeting agenda and list of meeting attendees with their affiliations are appended to this summary as Attachments 1 and 2, respectively. Meeting flip charts are included as Attachment 3.

The Facilitator noted Dick Dunkel's passing and suggested that the Plenary Group keep his spirit of participation in their thoughts.

One participant revealed that she had been the subject of comments regarding a derogatory remark she had allegedly made to another participant after the last Plenary Group meeting. She denied the incident and assured the group that while she does speak her mind; she is committed to working with everyone at the table for the best possible outcome of this process. The Facilitator asked the Plenary Group to concentrate on the work at hand in a positive and productive way and avoid personal attacks or emotionally charged comments. She reminded participants that they should focus on interests not positions. She pledged to enforce the agreed-upon ground rules more vigorously and asked participants to help her by being more considerate of each other's feelings and their common goals.

Action Items – July 17, 2001 Plenary Group Meeting

A summary of the July 17, 2001 Plenary Group meeting is posted on the relicensing web site. The facilitator reviewed the status of action items from that meeting as follows:

Action Item #P47:	Provide participants with DPR and DWR contacts related to recreation operations at the Oroville Facilities.
Status:	A list with contact information was distributed to the Plenary Group and is appended to this Summary as Attachment 4.
Action Item #P48:	Riverbend Park presentation to SWC and DWR upper management.
Status:	DWR staff reported on the successful presentation of Riverbend Park Interim Project to DWR management and the State Water Contractors Board. Participants who attended the meetings said the presentation helped answer a number of questions and clarify the project for both DWR management and SWC. Both DWR and SWC

committed to a timely resolution of the issue and felt that the December deadline for resolution on Riverbend Park was not unreasonable. Craig Jones of the SWC added that several of their board members would be taking a tour of the Riverbend Park site to better acquaint them with the project.

Action Item #P49: Provide Riverbend Park presentation as attachment to meeting summary.
Status: Riverbend Park presentation was posted to the relicensing web site as Attachment 5 to the July 17, 2001 Plenary Group meeting summary.

Action Item #P50: Provide draft Settlement Agreement language to Plenary Group.
Status: A discussion of draft Settlement Agreement language is included in this meeting.

Action Item #P51: Provide a draft step-by-step process for DWR evaluation of recommended interim projects.
Status: A discussion of a draft DWR evaluation process for Interim Projects is included in this meeting.

Action Item #P52: Provide revised SD1 to the Plenary Group.
Status: A discussion of the revised SD1 is included as part of this meeting.

Work Group Updates

Recreation and Socioeconomics Work Group

Dale Hoffman-Floerke of DWR reported on both the Recreation and Socioeconomics Work Group and the Work Group's Interim Projects Task Force. She reported that the Recreation and Socioeconomics Work Group had finished their work on developing Issue Sheets and had established a Study Plan Development Task Force to organize existing information, identify information needs, and develop draft study plans.

Dale also reported that the Interim Projects Task Force met to consider a revised Interim Projects ranking system in an effort to prioritize a dozen or so projects to move forward. The Interim Projects Task Force will meet again on September 21st to continue their evaluation of Interim Projects utilizing the revised criteria. The result of the Interim Projects Task Force evaluation will be a set of projects for review and approval by the Recreation and Socioeconomics Work Group and eventually forward to the Plenary Group. Dale indicated the Interim Projects Task Force would likely meet several times before they are ready to forward their recommendations to the Recreation and Socioeconomics Work Group.

One participant expressed concern that some of the information being used by the Interim Projects Task Force is not accurate and could bias the participants against her project. Dale responded that she feels the Task Force is aware of how imprecise some of the cost estimates are but in order to respond to the local community desire to move these projects ahead quickly, the Interim Projects Task Force was using the best available information. Steve Nachtman of the consulting team added that additional information could still be provided and the Interim Projects Task Force at their next meeting would discuss the preliminary ranking being developed. He suggested the participant explain her concern to the Task Force at that time so it could be considered in the evaluation.

Land Use, Land Management and Aesthetics Work Group

Steve Nachtman reviewed the August 14, 2001 Land Use, Land Management and Aesthetics Work Group meeting. The meeting summary is available on the relicensing web site. Steve reported that the Land Use, Land Management and Aesthetics Work Group completed Issue Sheet development, and established a Study Plan Development Task Force. The Study Plan Development Task Force will consider existing information, information needs, and what studies may be required to fill information gaps. The Study Plan Development Task Force met on August 28th and made progress in determining primary Work Group responsibility and identifying a preliminary list of studies. The Task Force is developing draft proposals for the Land Use, Land Management and Aesthetics Work Group consideration.

Craig Jones of the State Water Contractors commented that the process established by the Land Use Study Plan Development Task Force worked well, and should be considered as a model by the other Work Groups when developing study plans.

Environmental Work Group

Wayne Dyok of the consulting team reviewed the August 22, 2001 Environmental Work Group meeting. He reported that the Environmental Work Group had reviewed and approved the second of three sets of Issue Sheets prepared by the Issue Sheet Development Task Force. He added that the Issue Sheet Development Task Force would be meeting again on September 11th and 18th to revise the third set of Issue Sheets for Environmental Work Group review at their next meeting. Wayne mentioned that the first set of Issue Sheets that have been completed are currently being developed into draft study plans. Wayne also reported on a presentation from a San Jose State University Professor affiliated with the California Wildfowl Foundation on brood pond development at Thermalito Afterbay. The presentation focused on successful habitat modifications in the area and the effects of Afterbay water level fluctuations on waterfowl nesting areas.

Engineering and Operations Work Group

Ralph Torres from DWR reported that the Engineering and Operations Work Group did not meet in August. Instead the Task Force established by the Engineering and Operations Work Group to begin draft study plan development used the Work Group meeting time to begin work on assessing existing information, information needs, and potential studies. The Task Force is currently developing a prioritized list of potential studies and coordination needs for Engineering and Operations Work Group consideration at their next meeting.

Cultural Resources Work Group

Dale Hoffman-Floerke reviewed the August 30, 2001 Cultural Resources Work Group meeting. She reported that the Work Group finished reviewing and revising Issue Sheets and tasked the consulting team with developing a draft list of studies for consideration by the Cultural Resources Work Group. The consulting team was also asked to coordinate their study efforts with the other Work Groups to avoid potential study overlap. She added that DWR agreed to revise the language for Area of Potential Effects. Dale also reported on Bob Thorne's visit to sensitive sites in the fluctuation zone and some of his recommended protection strategies. A report outlining Mr. Thorne's assessment and recommendations will be prepared for the Cultural Resources Work Group. She concluded with an update of DWR's efforts to facilitate the repatriation of Native American artifacts and remains removed from the project site and stored in West Sacramento. DWR and other key agencies will meet with the recognized tribes on September 20, 2001 to discuss this issue.

Roger Masuda representing Butte County asked if repatriation was the applicant's responsibility under the existing license relicensing. Dale responded that repatriation is not a relicensing issue, but it should not be delayed by relicensing.

Rick Ramirez asked the Plenary Group if the Work Group updates were useful as a regular agenda item or should be eliminated. He observed that the Plenary Group had much work to accomplish and the updates though informative, were time consuming. Richard Roos-Collins representing the American Heritage Institute said he found the updates useful but also time-consuming and suggested a brief summary or abstract of each Work Group meeting be developed and distributed with the Plenary Group agenda. The abstracts would help participants determine if an update for a particular Work Group is necessary, or would at a minimum help focus the discussion of a particular update. The Facilitator reminded the participants that the Process Protocols called for a member of each Work Group to report to the Plenary Group on Work Group activities and back to the Work Group on Plenary activities.

Jon Rubin of the Santa Clara Valley Water District agreed on the value of that and also recognized that there might be logistical difficulties in providing an abstract for Work Groups that immediately precede the Plenary Group. He suggested that the logistical difficulties could be overcome if Plenary Group meetings came before Work Group meetings rather than following them, as is the current practice. All agreed that scheduling and logistics were challenging. The Plenary Group asked DWR, as practicable, to include an abstract of each Work Group meeting summary on the Plenary Group meeting agenda. DWR agreed to post Work Group meeting summary abstracts on the relicensing web site.

Interim Project Approval Process

In response to a Plenary Group request, Rick Ramirez of DWR distributed a graphic outlining DWR's decision-making process for Interim Project recommendations received from the Plenary Group. The graphic is appended to this summary as Attachment 5. The steps for DWR review are:

1. Relicensing Program Manager (PM) determines level of consensus, process consistency, DWR staff position, program benefits, data requirements; forwards recommendations and PM analysis to Relicensing Steering Committee (RSC);
2. RSC reviews recommendations, PM analysis; considers any legal, safety, funding, and engineering issues, forwards recommendations and analyses to Executive Management (EM);
3. EM receives recommendations and analyses, asks questions, and makes decision.

Rick explained that this process provides for the maximum level of flexibility for considering Interim Projects and provides for the timeline established by the Plenary Group (Interim Projects decision in January 2002). This process also allows the Recreation and Socioeconomics Work Group to continue to develop information on and deliver projects for DWR consideration. The process does not conflict with the criteria established by the Recreation and Socioeconomics Work Group for selecting and ranking Interim Projects. Additionally, the process is outside the regular relicensing path and should work well for both project proponents and DWR.

One participant asked Rick if he would change the Plenary Group's project recommendations to DWR. Rick responded that he would provide analysis of the recommendation elements, but would not change the recommendation itself. The same participant asked if the dashed arrow on the graphic (representing an information request from DWR to the Plenary Group) would reset the process or would it be used to make the proposed project more attractive. Rick responded that it was not his intention to reset the process and that the dashed arrow represented a quick request for information that would provide added value to the project. Depending on the nature of the request, the Plenary Group or selected individuals may be asked to provide information.

One participant, concerned that the process would lengthen the time required for project implementation, asked how the process would impact the timing of project implementation. Rick responded that the process was intended to shorten the time frame for but reminded the group that some aspects of implementation will take time. The Plenary Group will be kept informed of any information request made by DWR.

One participant asked if the Plenary Group would receive a copy of the PM's analysis to the Relicensing Steering Committee. Rick responded that he had not previously considered that action and would provide a response at the next Plenary Group meeting.

Mike Meinz of Department of Fish and Game asked where environmental concerns were addressed in the process. Rick responded that through the application of the Interim Projects ranking criteria, the Task Force should eliminate most projects that require extensive environmental review. He added that the Steering Committee would also likely provide guidance by asking pertinent questions about environmental issues.

Craig Jones of the State Water Contractors stated that the water contractors needed adequate time to review the recommended projects to determine what impact their implementation would have on rates for State Water Project water.

One participant suggested that the Interim Project process be extended through the end of relicensing with the ability to add new projects at any time, rather than focusing on the 40+ projects currently under consideration. Rick responded that having an open process is not in keeping with the intent of interim projects and may misdirect resources needed to focus on the relicensing effort to develop a long-term Recreation Management Plan.

Roger Masuda suggested that DWR was wavering from its commitment to render a decision on Riverbend Park until all the Interim Projects had been evaluated. He added that if a package of Interim Projects is to be considered before a decision is made, the January target date is ambitious. The Facilitator reminded participants that the Interim Projects Task Force is moving ahead with information on the other projects to help provide the necessary data as quickly as possible.

One participant suggested that Riverbend Park should be considered separately from the other Interim Projects since it does not fit the criteria established by the Interim Projects Task Force. He cautioned that Riverbend has the potential to dominate meetings, and would not allow for the adequate evaluation and development of other Interim Projects or the eventual long-term recreation plan. He reminded participants that the Interim Projects are outside the FERC process, and DWR does not have to do anything if it impacts their ability to complete the relicensing process so they all need to find a way to complete the Interim Projects process without further distracting Plenary and Work Group meetings from the relicensing effort.

Rick responded that the issue of Interim Projects has become very difficult. DWR agreed to do Interim Projects as a show of goodwill to start the relicensing effort. It was assumed that it would be a discreet activity with a list of projects that could be implemented quickly to the benefit of the community. DWR wants to follow through on their word, but it appears that some participants may have expectations that cannot be met in this process. One primary goal of this ALP is a durable, collaboratively developed, community supported, long-term Recreation Management Plan. The focus should not be on Interim Projects, but rather on that long-term plan that holds the potential to have lasting benefits for the community. Richard Roos-Collins agreed with Rick, stating if the Plenary Group wants to achieve the goal of developing the Recreation Management Plan, then participants need to spend less time discussing Interim Projects. The development of study plans to shape the long-term plan must take priority.

The participants agreed to move to the next agenda item and, after the Interim Projects Task Force can make further progress, continue this discussion at the next Plenary Group meeting.

Settlement Agreements

Ward Tabor reported on draft Settlement Agreement development for Riverbend Park and distributed draft principles for developing an interim project settlement agreement to the Plenary Group, (appended to this summary as Attachment 6). He explained that when drafting language for a Riverbend Park Settlement Agreement, he needed to first establish the principles that would guide settlement agreement language in general. He added that it would be critical for the Plenary Group to reach agreement on draft principles that define the content of the Settlement Agreement irrespective of the specific project. Ward added that FERC has expressed concern with the Interim Projects process and are afraid that it may interfere with the relicensing effort. DWR's effort to establish clear principles prior to developing settlement agreements is a logical first step in reducing FERC's anxiety. Ward briefly reviewed the draft principles with the participants.

Several participants expressed concern that the document provided by DWR did not respond to the request from the previous meeting to prepare a draft Settlement Agreement for Riverbend Park. Participants agreed with Ward that any Settlement Agreement would be based on a set of underlying principles and the distributed draft document is helpful, however they felt that DWR had agreed to provide a draft Settlement Agreement for Riverbend Park.

Harry Williamson of the National Park Service asked for clarification on Principle #5, pointing out it appears to allow projects like Riverbend Park, which are outside the FERC boundary, to consume resources that could be used for defensible projects that would be in the Recreation Management Plan. Ward responded that studies during the relicensing effort would examine recreation needs and that Riverbend Park would fit the criteria as a mitigation or settlement agreement developed during license preparation. He added that it was unlikely that Riverbend Park or any interim project would reduce the level of funding available to projects in the Recreation Plan.

Rick Ramirez reiterated Viju Patel's statement regarding Interim Project implementation and observed that it seemed to fit within the guidelines provided by Ward. He emphasized that these are draft principles that serve as the foundation for crafting an agreement that people are comfortable with. It would be unreasonable to assume that DWR would agree to move ahead with a project like Riverbend Park without these principles in place.

Richard Roos-Collins agreed and suggested that members of the community draft an agreement for Riverbend Park that they support based on these principles and bring it to the Plenary Group for consideration. Rick Ramirez responded that a Task Force might be better suited to develop the draft settlement agreement language and that while a Riverbend Park Interim Project Settlement Agreement is needed, the Task Force could fashion settlement agreement language that is applicable to all potential interim project settlement agreements. The Plenary Group agreed and established an Interim Projects Settlement Agreement Task Force to develop a draft Riverbend Park Interim Project Settlement Agreement. Task Force members are:

- Jon Rubin
- Scott Lawrence
- Nan Nalder/Craig Jones
- Rick Ramirez
- Ruben Duran
- Ken Kules
- Bob Sharkey – Task Force Leader
- Richard Roos-Collins

The goal will be to prepare and distribute a draft to the Plenary Group by September 17, 2001. Participants discussed the limited time frame for developing a draft Settlement Agreement for review before the September meeting. They agreed that the Task Force's goal was to develop an Agreement for Plenary Group consideration. If a draft Agreement is not ready, the Plenary Group agreed to review any work finished by the Interim Projects Settlement Agreement Task Force. Richard Roos-Collins asked that in the event that the Task Force has prepared a draft Settlement Agreement, the Plenary Group should review the draft and be ready at the September meeting to review and take action. Craig Jones clarified that the Plenary Group could take action on accepting the draft Agreement language, but not on approving Riverbend Park. He added that it was unlikely that the SWC would recommend Riverbend Park without knowing the fate of the remaining Interim Projects. One participant asked if the SWC wanted to delay Riverbend Park until the rest of the Interim Projects are ready to be acted on. Craig responded that the Recreation and Socioeconomics Work Group has not yet received Task Force recommendations on the remaining Interim Projects, and that it might be premature to proceed with Riverbend Park irrespective of consensus on a draft Settlement Agreement. The Plenary Group reiterated its desire to review a draft Settlement Agreement at their next meeting, and that the Interim Project Task Force should

continue its work in packaging the remaining Interim Projects for eventual Plenary Group consideration.

Scoping Document Update

At the July 17, 2001 Plenary Group meeting, participants tasked DWR and the consulting team to review and revise Scoping Document 1 (SD1) based on comments received. The revised SD 1 was distributed to the Plenary Group and is appended to this Summary as Attachment 7. Additionally, Wayne Dyok provided the Plenary Group with a presentation on the relationship between SD1 and Study Plan development. The presentation included the following:

- List of major milestones following the distribution of SD1 to the public on September 27, 2001 and ending with the submittal of a FERC application in January 2005
- Detailed outline of the scoping and Study Plan integration process
- Key issues that SD1 is intended to address
- Summary of comments addressed in SD1
- Summary of comments not addressed in SD1

The presentation is appended to this summary as Attachment 8.

Wayne detailed the major changes in SD1 from the previous draft including the addition of an Executive Summary, descriptions of the scoping process, description of how CEQA/NEPA compliance fit with the relicensing process, details of the site visits, and a description of how the scoping process is integrated with Study Plan development. Wayne emphasized that Appendix B had been retained with an added introductory paragraph clarifying the origin and purpose of the Appendix. He stressed that Appendix B was retained as a record of issues discussed during the process and could act as a repository and tracking document for those issues not studied during the relicensing effort but potentially considered in settlement agreement negotiations.

Richard Roos-Collins, referring to the graphic about SD1 and Study Plan development, asked if the Plenary Group would have only one meeting (in December) to consider Study Plans developed by the various Work Groups. Wayne responded that the Work Groups should complete the Study plans in November and the Plenary will consider them in December. The Plenary Group will have two months to come to final resolution on the Study Plans.

Wayne added that comments on SD1 could be submitted to DWR through September 12th. He requested that comments on SD1 be confined to clarifications or corrections and should be submitted to the relicensing web site e-mail address or via surface mail to DWR at the address provided in revised SD1.

Next Steps

One participant requested that DWR and their consultants provide information related to the anticipated coordination of studies between Work Groups at the next Plenary Group meeting. Wayne Dyok agreed that would be a timely discussion topic for the next meeting. The Plenary Group reviewed other deliverables and action items from this meeting and suggested the following be included in the September meeting agenda:

- Continued discussion of Interim Project Task Force activity
- Review and action (if possible) on draft Riverbend Park Interim Project Settlement Agreement action
- Review primary framework for study coordination

Next Meeting

The Plenary Group agreed to meet on:

Date: Monday, September 24, 2001

Time: 5:00 p.m. to 9:00 p.m.

Location: Oroville Sports Club

Agreements Made

1. The Plenary Group agreed to form a Task Force to draft Interim Project Settlement Agreement language specific to Riverbend Park.
2. The Plenary Group agreed to provide additional comments on SD1 to DWR by September 12, 2001.

Action Items

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action, and item status.

Action Item #P53: Provide participants with updates of Work Group activities in summary form, preferably distributed with the Plenary meeting agenda or prior to the meeting. Post the summaries as abstracts attached to appropriate Work Group meeting summary.

Responsible: DWR Staff

Due Date: September 24, 2001

Action Item #P54: Provide comments to clarify or correct Administrative Draft Scoping Document 1 to DWR via relicensing web site address or via surface mail to the address provided in SD1.

Responsible: Participants

Due Date: September 12, 2001

Action Item #P55: Provide draft Riverbend Settlement Agreement language to Plenary Group for review prior to next Plenary Group meeting.

Responsible: Interim Settlement Agreement Task Force

Due Date: September 17, 2001

Action Item #P56: DWR will consider providing a courtesy copy of relicensing Program Manager's analysis on Interim Projects to Plenary Group when forwarded to DWR Steering Committee.

Responsible: DWR Staff

Due Date: When Interim Projects are submitted to Steering Committee.